

EXPERIENCE preferable to THEORY.

A N S W E R

Dr. PRICE'S OBSERVATIONS, &c.

RECEIVED OF THE

1871

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EXPERIENCE preferable to THEORY.

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Dr. PRICE'S OBSERVATIONS

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NATURE OF CIVIL LIBERTY,

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J U S T I C E A N D P O L I C Y

O F T H E

W A R W I T H A M E R I C A.

— Whereof cometh envy, strife, railings, evil surmisings, perverse disputings, destitute of truth. — But thou, O man of God, fly these things; and follow after righteousness, godliness, faith, love, patience, meekness, — keep that which is committed unto thy trust. 1 *Tim.* vi. 4, 5. 11, 20.

L O N D O N,

Printed for T. PAYNE, at the Mews-Gate,

MDCCLXXVI.

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM W. B. R.

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A N S W E R, &c.

A Late pamphlet, under the title of Observations on the Nature of Civil Liberty, &c. has been greatly applauded; and, as we are informed, has gone through six editions in less than six weeks, and the author has been honoured with the freedom of the city of London. The reputation of Dr. Price, as a man of ingenuity and learning, increases that éclat to the book, which the spirit of party would have raised, had the author been unknown. The same sentiments, style, or mode of expression, appeared about two years ago, in another pamphlet, with the title of *American Independence*; but that being anonymous, had less notice taken of it. Both have the most direct tendency to separate for ever the kingdom from the plantations, not

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merely to break the union, as being all one community and state, but to render desperate an alliance as separate states. The principles laid down will not admit of the subjection of the plantations to the same supreme authority with the kingdom ; such an authority is the only bond by which it is possible for them to be held together as one state. The light in which all the measures of Government, for many years past have been set, and the representations made of the *wicked* motives which have influenced the King, the Ministry, and the Parliament, to engage in such measures, must tend to alienate the affections of the plantations, and to cause them to prefer an alliance with any other power in Europe, rather than with us.

Some of the Americans, who know that it is the mutual interest, both of the kingdom and plantations, to remain under one authority, have flattered themselves that a way may be found for Parliament to retain its general supremacy, and the people in the plantations, nevertheless, to rest assured, that they shall enjoy such a degree of subordinate legislation, as will be satisfactory to them, and dispose them

them to wish to return to a peaceable state of government and order. But Doctor Price would persuade these Americans, that they are members of distinct communities and states; that Parliament can have no claim to authority over them in any case whatsoever; and that a country subject to the legislature of another country is in a state of slavery; and that any cessions or compacts to yield to any extraneous jurisdiction a power of legislation, would be contrary to the rights of human nature.

I wish above all things to see the plantations restored to that happy state, which they had been in for many years before these troubles began. The removal of those obstructions which this author has laid in the way, is my sole inducement to the following remarks; I will, therefore, pass over those parts of his work which are foreign from my purpose.

His definitions of physical and moral liberty, I leave to speculative men. I will not contend with him, upon his definition of religious liberty; for I think all men have a right to exercise, without molestation, that mode of religion they think best; provided, he will

give me leave to add, that it be done witho ut detriment to the state.

I will confine myself to civil liberty, and his application of it to the case of the kingdom and the plantations.

His system may, I think, be brought within a small compass, and is no more than this—

Civil liberty cannot be enjoyed under any government, unless the individuals which constitute such government, may be admitted to an immediate participation in the powers of legislation and government.—Where the state is small, every one may partake in person.—Where it is large, every one may partake by giving his voice in the delegation of those powers to a representative; but the trust delegated must be for a short term only; the delegates must be chosen by the *unbiased* voices of a majority of the individuals; they must be subject to such limitations and restrictions as may be judged necessary, and to such farther instructions as, during the continuance of the trust, may be given by their constituents.

No community can have legislative power over the property, or legislation of another community which is not incorporated with it

it by a just and adequate representation; and a cession or compact to the contrary would either not bind at all, or bind only the individuals who made it.

The plantations are separate and distinct communities, the legislative power of the kingdom cannot, therefore, bind the people in the plantations.

Precedents, statutes, and ancient charters, though the arguments drawn from them in favour of the plantations may greatly outweigh those against them, are not to come into consideration; the question with liberal inquirers ought to be, what jurisdiction over them reason, equity, and the rights of humanity give.

A government formed upon this system is said to be *free*—the creature of *the people*—every man is *his own* legislator—taxes are *free gifts*—laws are established by *common consent*, magistrates are *deputies*, &c.*—such a state will be *self-governed* †—every state that is not so governed is in *slavery* ‡.

* P. 6.

† P. 9.

‡ P. 11.

Upon

Upon these principles of civil liberty, the author professes to inquire into the war with America.

First, In respect of justice.

2dly. In respect of the principles of the constitution.

3dly. In respect of policy.

4thly. In respect of the honour of the kingdom.

Lastly, In respect of the probability of succeeding; and concludes with a plan of reconciliation.

After reading this plan, or model of government, every person will naturally be led to consider, whether there is any such government now existing in the world. If he finds none, he will as naturally look for the reason why there is none. One will immediately occur to him—there is not that degree of virtue in the individuals of any of the present communities in the world, which is essentially requisite to the forming such a system. Factions will be raised, contests will ensue, bribery and corruption, force and violence, and every undue influence which can be conceived of,

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will invade private liberty; representatives cannot be chosen by the *unbiassed* voices of a majority of the state; and it would perhaps be "better to be governed by the will of one man, than by a representation so iniquitously constituted *." But this is not all; men in a state of nature must have a natural right to chuse what form of government they please; and, according to Doctor Price, "government is an institution for the benefit of the people governed, which they may model *asthey please* †." Those communities whose form, or model, has approached the nearest to that which he pronounces perfect, have found by experience, that bodies of men prove the most unrelenting of all tyrants ‡; nor has the limited time of their duration been any restraint; it has rather been the means of a more zealous improvement of an opportunity, which would soon be past. Republican tyranny is intolerable; other powers break out as checks, or restraints, upon a mere democratical power; or the people will perhaps submit to the government of a single person, or of a few, to avoid the

* P. 11.

† P. 12.

‡ P. 29.

evils which they felt under that of many ; and we have no instance of any government of a long duration, in a pure democratic state. Virtue is the principle of a democracy, as well after it is formed, as in the formation of it. Where this is wanting, no form is more oppressive. The powers of government raised by faction indulge and favour the side or party to which they owe their existence, and the contrary party is tyrannized over and oppressed. In what other governments have so many of the greatest, the best friends and servants of their country, been unjustly deprived of their estates, liberties, and lives, as in the commonwealths of ancient Greece ? Under what other form of government could so execrable a law have been devised, as that which made banishment the reward of virtue, and furnished means to envious and malicious men for displacing such as had deserved best from the people, to make way for their own advancement ? The preservation of *liberty* was the pretence for discouraging virtue.

What is it then which would recommend this model of government beyond all others, provided it could be practised in its greatest perfection ?

fection? The answer is—Under this government men enjoy *civil liberty* in the greatest degree which a state of government will admit; and under all other they are errant slaves.

Let us then examine the system, and see what this liberty is, and whether it be of such importance and of such nature, that man can never alienate it; and whether, for the sake of maintaining it, all the governments upon earth ought to be dissolved.

A state, in which every individual can give his suffrage, must be so small as to render it, if not nominally, really, dependent upon some other great and powerful state; or if we could suppose the present great states to be multiplied into such small perfectly democratical states, men might as well have remained in a state of nature; eternal war and confusion must be the consequence. I will however just attempt the idea of a state, which is to enjoy liberty in this perfect degree.

I look upon London as the first city in Europe. The livery of London are a select, privileged, honourable body. The freedom of the city has always been deemed an honour, as well as a privilege. The livery consists of

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seven or eight thousand men, a decent number for a democracy; and we may suppose them, at least, equal in virtue to the common run of mankind; and that the last assembly for the election of a Chamberlain did not materially differ from their assemblies in general. I will then imagine the livery constituted into a separate distinct republic, or perfect democracy, and that I am at liberty to chuse a form of government to live under; I certainly should prefer the despotism of the most absolute monarchy, to the liberty of this perfectly *free* democracy.

But such perfect democracies being utterly impossible, I will consider in the utmost extent the liberty which each individual can enjoy from his being a member of a less perfect state; in which, however, the author supposes that every right of human nature may be secured.

In all forms of government, so long as the powers exist, the degree of power is the same; in all, alike absolute. If we suppose a democracy without laws, the democratic authority will be just as absolute as in a monarchy. The first is most to be dreaded. If we suppose both to be governed by laws, the degree of restraint depends upon the laws, not the form
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of government. In both forms also the judiciary powers must alike be sole judges of the laws, not individuals, for this would be contrary to the nature of government. What remedy then have individuals against oppression and tyranny? There can be none but this; the people in every government, when the oppression and tyranny of rulers can be no longer borne, will break loose, rise, put an end to the old authority and powers, and new will be established in the stead of the old. In our own *mixed* form of government there were repeated instances of this sort in the last century. The like instances happen in the most *despotic* governments.

But in a democracy, it is said, this power returns at certain periods into the hands of the people; and, if they do not approve of the rulers last elected, they may then, without any convulsion, chuse others in their stead. This is said to be the characteristic of a *free* state; still, the moment the government is formed, I am no more *free* than if it had continued as it was before the new election; the laws are no more of *my* making, the taxes of *my* giving, nor

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can I with greater propriety be said to be *self-governed*, than if I had no share in election. A King may be elective, as in Poland, every individual may have a voice, and the major vote is to determine. Suppose the King of France and the King of Poland to be equally absolute; can Poland be said to be a *free* state more than France, or do the individuals make their *own* laws, give away their *own* money, or are they more *self-governed* in Poland than in France?

But the individuals in elective governments do, at the times of election, enjoy rights and *liberties* which cannot be enjoyed in states where the authority is not elective. I will endeavour to make the most of them. I will suppose the island of Britain divided into two hundred and fifty equal parts, and that every man in each part has a voice in the election of two members to constitute a legislative body as the representative of the whole. I cannot see why every woman, and every person arrived to years of discretion, ought not to have a voice also; for, upon our author's system, without it they must be slaves. But I will not insist upon this. If I happen to be one of the minority, which is as likely as not, I am in a worse state than

than if I had no voice, for I have probably made the persons elected unfriendly by giving a vote against them; and it is most certain that I am not *self-governed*; I am bound by laws, and forced to submit to taxes to which I never gave *my consent*, neither in person, nor by my representative. But if each individual agrees to make such choice, and to entrust the powers of legislation with the two persons on whom the major vote shall fall, in conjunction with five hundred others, in whose appointment he hath no share, the Doctor says, that "whatever is done by such delegates within the limits of their trust, may be considered as done by the united voice and counsel of the community." So if each individual agrees to submit to such form of government, and such persons as the major vote shall determine, it may as well be considered as done by the united voice and counsel of the community, and the individuals are as much their legislators in one case as in the other.

But, it may be, the two men I voted for are chosen; I have then no assurance they will vote according to my mind in any affair which may come under consideration; and though I agreed to submit to
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make them my representatives, yet if I am disappointed in them, if they act contrary to my mind, I have no *advantage* from them. The *value* of this liberty, of this right, is what we are now considering.

But I am willing to see this liberty in the strongest light, and will suppose that I carried my votes for both members, and that in every affair they acted just as I would have done myself. By my representatives I have, then, two voices; but there are four hundred and ninety-eight voices, in the election of which I have no share. Can so sensible a man as Dr. Price be serious, or in earnest, when he says, that this right of giving a voice in election is *alone* sufficient to make every man who enjoys it his *own* legislator? Is it so unalienable a right in the nature of man, that a community which, for the sake of many and great benefits, shall agree to be governed by an authority in the appointment of which each of the individuals who constitute this community hath not a voice, shall not be held by such agreement *, but have a right to emancipate themselves as soon as they can?

* P. 25.

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But it will perhaps be said, that the supreme authority of a state, which is constituted by the *free* election of individuals from time to time, will have a strong motive to pursue the true interest of the state, their future election depending upon their so doing. They will have a strong motive to pursue every *popular* inclination, and this must defeat the great end of their being elected, the good of the commonwealth, as often as the fancy or humour of the people differ from their true interest.

This must be one great reason why democratic governments have so rarely existed, and have never long continued; but if it was otherwise, the government, for that reason, could not be said to be *free*. The form of government might be more eligible; but an inhabitant would be no more *free* than if he lived in an aristocracy or monarchy. I can have no conception of a *free* state or *free* government, any farther than *freedom* is relative to the inhabitants whilst they are in a state of government. If the same men who constitute the supreme authority had assumed it without election, every man would be as much *his own legislator*—taxes as much *free* gifts—laws as much

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established by *common consent*, &c. Why does the Doctor then make use of these flattering, though paradoxical, terms? Because men are captivated with the words *liberty*, *free*, *self-governed*, &c. and have the sound of *slavery* in abhorrence. It is for the purpose of his system also, because he has determined that *liberty* is an unalienable right of human nature, and no man, consequently, can bind himself to be a slave, as he must be, if the government, under which he lives, is not *free*.

After all that can be said in support of the Doctor's system, it can only be conceived of in theory; it never has been, nor can be, carried into practice. We know of no original compact in any state, except what arises from the nature of government, an implied compact that rulers shall employ the powers committed to them for the good of the people. We know no constitution of government in the world established by the major part of the individuals assembled in a body, nor any alterations made in that way. So far as we know the rise of our own constitution, it has been established by the supreme authority in being; it is enough to mention Magna Charta, since
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altered in many respects by the same power which established it. Even the limits to the duration of a Parliament have been set by the authority of Parliament, or, perhaps, in the first instance by the King, one branch only of that authority. The whole authority may alter what has been before done by the same authority, or by a part of it, and set further limits to the duration, or extend those which have been set. But this, and what the Doctor says of the absurdity of omnipotence in any supreme authority, are subjects which have been so fully handled, that no more need be said upon them.

Upon the whole, the Doctor's republic is altogether Utopian or visionary, can never have a real existence; and if it could, would be attended with no important benefit to mankind, but on the contrary must be preceded by a dissolution of all the governments where it takes place.

What is it then which makes this system to be applauded? There is, as has been observed, an enchantment in the sound of *liberty*, *free*, *self-governed*, and the like. The declamatory part of the book in praise of *liberty* has
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captivated the minds of many who have read it, and of many more who take it from report only.

I am far from thinking there is no such thing as civil liberty, or that the people in all governments are alike *free*; but this freedom does not depend upon the form of government. I can easily conceive them to be as *free* under a monarchy as an aristocracy or democracy, and as *free* under a government composed of all three, as under either simply. The degree of freedom depends upon its being a "government by laws and not by men*," and the distinction made by Dr. Price between laws which are made by one man, or a junto of men, in a state, and those made by five hundred men, in the election of one or two of which every individual had a voice, is altogether nugatory; and it is absurd to say I am more *free*, in a state where laws are established which are in a greater degree restrictive, because I consented to the appointment of the persons who made them, than I am where there are laws less restrictive, though I had no voice

in such appointment ; and yet in the latter case I am said to be a *slave*, and in the other a member of a state *self-governed* *.

But all governments which have known established laws, cannot be said to be equally free. When laws, laying greater restraint than is necessary to answer the end of government, are multiplied, this is my idea of what Dr. Price calls "governing too much† : " and where there are laws sufficient to answer this end and no more, and such laws are impartially executed, this is the highest idea I can have of the liberty in a state of government ; and whilst a government continues to enjoy it, it is immaterial what the form is, or by what name you call it. But how great this restraint shall be, must depend upon the wisdom of the legislators, and the circumstances of the state. There is a certain degree of restraint necessary to the very being of government ; *the individuals which constitute it ought not to be at liberty, by speaking, writing, or in any other way whatsoever, to effect, or even to attempt, the subversion and dissolution of it.*

* P. 4. † P. 51.

I will now consider how far the case of a community, or state, differs from that of an individual; and here it will be proper to take a view of the democratical part of the English government. That of the republic I have already imagined, and of all others, comes within the reason of it. Each representative, as soon as the body, of which he is one member, is formed, is the representative of the whole kingdom; and no more so of that particular part of it, which elected him, than of any other. It is one great end of forming an authority consisting of so great a number, rather than of a few, or of one, that each may impart his sentiments to the rest in a free debate, that so the commonwealth may have the benefit of the joint wisdom of so many of its wisest men, selected from the whole community. Instructions from electors to the representatives would therefore be repugnant to this principle of the constitution, an innovation, and they ought to have no influence any farther than, from the reason of them, they may serve to convince. If we suppose any particular part of the kingdom to have had no share in election, every member, notwithstanding, considers this part to stand

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related to him in just the same manner as the rest of the kingdom, and the whole to have one common interest. When I view the constitution in this light, if I was to purchase an estate in the kingdom, I would not give a farthing more for it, because two of the members of Parliament were elected by the inhabitants of the town where it lies, than if those inhabitants had no share in election.

But, Dr. Price says, the kingdom is one community or state, and the plantations another. This is begging the question, or taking for granted what cannot be admitted. When the term *community* is used to signify a state, it is relative to the body of the people which make the state. London and York are two different communities, when we take into our idea place as well as people, but merely to the purpose of forming a state they are one community. It is just the same with Great Britain and Virginia, or any other of the colonies; and I am not able to see why the supreme authority of the whole dominion may not consider the plantations as one common interest with the rest of the dominion, as well as London and York. Newfoundland is one island,

island, and Britain another : This plantation is separated from the kingdom by the ocean, as well as the rest, but not so far distant : It has no legislature within itself ; the inhabitants, however, are more numerous than in some of the other small plantations. I cannot conceive, that the people of Newfoundland are deprived, in a greater degree, of their natural right, by being subjected to the authority of Parliament, than they would have been if they had happened to remove to the Isle of Man, instead of Newfoundland. If the plantation at Newfoundland may be considered in this light, why not that at Nova Scotia, which is but a little farther, and the plantations in New England, which are only a little farther than Nova Scotia ? If it be said, Nova Scotia and New England have legislatures of their own, so has London and York, and they are subject to Parliament as well as Birmingham, which has no legislature. But Dr. Price having, by his own authority, made every plantation a separate state, says, " that between one state and another, there is none of that fellow-feeling that takes place between persons in private life *." I say, that the king-

* P. 19.

dom and the plantations are all *one* state, and have all that fellow-feeling which fellow-subjects have in any other state. He says, that "being detached bodies, that never see one another, and residing perhaps in different parts of the globe, the state that governs cannot be a witness to the sufferings occasioned by its oppressions, or a competent judge of the circumstances and abilities of the people who are governed *." I say, that the kingdom and plantations remain one body; that the members have constant intercourse one with another; that the inhabitants of the kingdom go to the plantations, and become members of the subordinate legislatures and inferior corporations there; that the inhabitants of the plantations come to England, are elected members of the supreme legislature here, sheriffs, aldermen, and mayors of the corporations; that the state can very easily know when any sufferings are occasioned by oppression, and can be as competent a judge of the abilities and circumstances of the people in the plantations as of those in Scotland. The Doctor says, "they must also have, in a great

* P. 19.

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degree, separate interests, and the more the one is loaded, the more the other may be eased *." The same may be said of the different parts of the kingdom, and there is no more danger of partiality and injustice to the plantations, than to any other part of the whole dominion. But, as the whole force of what he says upon this subject depends upon the same hypothesis, *two states*, I will follow him no farther. It is a sufficient answer to him to assert, that the plantations are not separate states, seeing he gives us nothing but his own assertion to prove that they are. But, before I finish, I shall have occasion to shew from precedents, statutes, and charters, that the kingdom and its plantations are all one state.

When he comes to inquire into the war with the Americans, all the force of his reasoning still depends upon the same hypothesis, that all government without representation is oppressive and tyrannical, and that the kingdom and the plantations are separate and distinct governments, or states. The idea of the latter is very artfully preserved in the mind of

the reader, and the appearance of proof to support it, is frequently brought from precedents, statutes, and charters, which he had professed to throw out of the question.

In inquiring into the justice of the war, he observes, that it is a war between "*the kingdom* and the plantations;" whereas, it is between the supreme authority of the dominions, and such of the plantations as had revolted from it. Cade's rebellion might as properly have been said to be between the *kingdom* and Kent, or Ket's between the *kingdom* and Norfolk.——" We call them *our colonies* *,"——" think of them as in a state of subordination to *us* †,"——" the meanest person among *us* is disposed to look upon himself as having a body of subjects in America, and to be offended at the denial of his right to make laws for them ‡." This is all futile, or something worse.——When they are called *our colonies*, no more is intended than we intend when we say London is *our capital*. When any body thinks of the subordination of the legislatures in the plantations, he con-

* P. 31.

† P. 32.

‡ Ibid.

ceives of them, as of the legislatures of London or York, all subordinate, not to *us*, but to the supreme legislature. These, and others like them, which I pass over, are mere inaccuracies, of which, I dare say, the Doctor himself, the champion for American independence, has often been guilty as well as others. I do not believe that any person in England, thinks he has a body of subjects in America, or in Ireland, or a right to make laws for them.

The strongest opposers of the independence of America, have always admitted, that the people of Britain, of Ireland, of America, and every other part of the dominions, are subject to the supremacy of the British Parliament, and intitled to every liberty and privilege of the constitution, as far as their respective local circumstances will admit; but they do not pretend, that any one part of the dominions has any authority over another. I have, I own, lamented these inaccuracies, have seen the use which has been made of them to alienate the affections of our American brethren, and fellow-subjects; and I fear the Doctor intended to make the same use of them in his book.

book. I will not trouble the reader with the enumeration of all the rest of them, as the observation upon those which I have mentioned may serve for an answer to all.

It is certain, that the war with the plantations is just, or unjust, as the Parliament hath, or hath not legislative authority over them. Had the Doctor's hypothesis been true, that there can be no lawful authority over a plantation, which has no share in such authority by representatives elected by its inhabitants, the war must have been unjust; but not relying upon this only, he comes to charterers, which he had before disclaimed. Let us see whether they are more fairly adduced.

“ * The colonies have *free* legislatures of their own;”—“ † they were promised *all* the rights of Englishmen,—allowed to tax themselves,—to be governed by legislatures of their own, *similar to ours*;—their charters were given by an authority which, at the time, was thought *competent*:—they have been rendered sacred by an acquiescence on *our* part for more than a century. Can it

* P. 33.

† P. 40.

“ then be wondered at, that the colonies should
 “ revolt, when they found their charters vio-
 “ lated, and an attempt made to force in-
 “ novations upon them by famine and sword.”

I know of no charter which gives to any of the plantations a *free* legislature, so *free* as to be independent of Parliament ; in all I have seen, the power of legislation is limited, the laws are not to be repugnant to the laws of England, the most favourable construction of which must be, *not repugnant to such laws as shall expressly respect them.*—The grant of all liberties and immunities of free and natural subjects, within any of the dominions of the crown of England, has been very often so clearly explained, to mean no more than that the grantees should be considered as English subjects, and not aliens, or, in other words, that the plantations were part of the dominions, and, therefore, such as removed thither, might be assured they should not be deemed aliens, that I will not spend time in repeating the proof. One argument alone will demonstrate, that, by a grant of the rights of Englishmen, could not be intended an exemption from the authority of Parliament, which is all
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that is necessary for my present purpose. All the charters before the Restoration were grants to corporate bodies in England, of legislative power over such subjects as should remove to America, and dwell within the limits respectively granted by such charters. There are charters to Sir Humphry Gilbert, and Sir Walter Raleigh, by Queen Elizabeth; to the Virginian companies, to Bermudas, and to the council of Plymouth, by King James the First; to Massachusetts Bay, to Secretary Calvert for the province of Maryland, and to Sir Ferdinand Gorges for the province of Maine, by King Charles the First. The corporations, created by these charters, were to remain in England. The grant of English immunities was to such subjects as should go to, and inhabit in America, under the title of such corporations. No body doubts, that the corporations which remained in England, were subject to the authority of Parliament. Can we imagine the inhabitants of America to be free from the controul of Parliament, and yet subject to the legislative power of a corporation in

in England, which was liable to be controuled, and even annihilated by Parliament ?

And then, for " the allowance to tax themselves," they could have no power to tax *for any purpose* without a special grant. If this power had not been given to a corporation in England, subject to Parliament, yet a grant *for special purposes only*, can never be construed to exclude Parliament from its *general* power. I have not the several charters in my possession. I know that in some of them no power of taxation is granted, and it was one of the charges against Massachusetts colony, that the corporation had taxed the inhabitants without any authority by charter.—The same may be said of the powers of legislation, as has been said of taxation : in neither case could the grant exempt from the general power of Parliament. As well may London and York claim the like exemption, and just as *similar* are their legislatures to *ours*, as the legislatures of the plantations ; neither of them are *similar* in power, *similar* in form only, which is nothing to the Doctor's purpose.—The authority which granted, he says, was at that time
thought

thought *competent*. I say, it was *competent* to erect corporations, but not *competent* to exempt from authority of Parliament. King James and King Charles might think it so. Surely the Doctor does not rely upon their sense of their authority. Will he do it in the cases of ship-money, tonnage and poundage, monopolies? &c. The great lawyer, Lord Chief Justice Coke, did not think the authority *competent*. He declared, that Parliament had power to dissolve all these charters if it thought fit, and that it ought to do it, as they were monopolies, and abridged other subjects of the right they had to trade, fish, &c. in those parts of the dominion. It may be said, the grantees thought the authority *competent*. They soon knew the contrary; the charters were brought before Parliament. In 1624, a judicial process was brought against the Virginia charter. The Privy-council, in one way or other, from the beginning, have taken cognizance of them. Will any man say, that the courts of law, or the Privy-council, have jurisdiction where the authority of Parliament doth not extend?

We shall not find the Doctor's account of the *acquiescence* of Parliament to be a whit better

ter founded. When Parliament has been passing acts, from the time of granting these charters to this day, not only in each of the several reigns but in the time of the Doctor's darling republic, for regulating the plantations, is this an *acquiescence* in an exemption from the authority of Parliament? If he does not mean such an *acquiescence*, what he says is trifling, and to no purpose.

These references to charters, by his using words which have an equivocal sense, may misguide his readers; but, when compared with the charters, are found to be not in the least to his purpose. For the charters granted since the Restoration, I have only one brief remark to make on all of them, viz. that it is not possible the several Princes which granted them, should intend to exempt the grantees from the authority of Parliament; because, before, at, and after the time of granting, those Princes, at the head of the Parliament, were exercising the authority of Parliament over them.

But why have I spent so much time in to plain a case? Every man of common sense must acknowledge, that a power which the supreme legislative power cannot controul,

is a solecism in government, consequently the Crown can grant no charter to exempt any of its subjects from the authority of Parliament.

But the Doctor is prepared for me ;—he lays no stress on charters ; he recurs to his system. The subjects in the plantations, by their removal to America, became a distinct state, and “ the most express stipulations in all the charters of the colonies, for ever to submit to the people from whom they withdrew, can be no more binding than a stipulation to go naked, or expose themselves to the incursions of wolves and tygers *.” He might as well have rested altogether upon the injustice of one independent state’s making war upon another without any cause ; for every thing else in this section of his book, is either misrepresentation, or proves nothing to his purpose. He strives indeed to strengthen his own cause, by shewing the weakness of the arguments brought against it by his opposers, but they are arguments stated in such manner as he thinks fit, that he may the more easily answer them.

* P. 41.

It is urged, he says, that it is necessary a supreme power should be lodged somewhere, "in order to preserve the unity of the British empire *;" and he plays upon the word *unity*, as if it intended an agreement in opinion, or unity of sentiment, in contradistinction to discord; whereas no body could ever use this argument in any other sense, than to shew the absurdity of more than *one* supreme authority in the same government.—The "superiority of the British state †," is *said* to have been another argument. To what purpose? Surely not to shew the *right* of Parliament; possibly to shew the *practicability of maintaining the right*.—That "we are the parent state ‡." The parent *country*, or mother *country*, is a common expression in the plantations, and may have been used by writers to shew the sense of the people there, that they were of the same family with the kingdom, which they still consider as their home; but no stress is laid upon such an expression to shew, that the mother country hath authority over the plantation because a parent hath over his children.—"Tha t we

* P. 35.

† P. 31.

‡ P. 37.

have protected them, and run deeply in debt on their account *." This too may have been urged by some, as a good reason why the plantations should not be suffered to separate from the kingdom until satisfaction is made, but not to shew the constitutional authority of Parliament over them.--Here the Doctor takes occasion to say, that "in the last war they ran themselves deeply in debt,"—"were an accurate account stated, it is by no means certain which side would be most in debt †." This is too gross to pass without particular notice. I have the greatest reason to believe, the individuals in the plantations were much richer at the close, than at the beginning of the war. The debt of all the governments did not amount to a million. The estates of individuals, I believe, were much more increased. I doubt whether individuals in the kingdom were enriched in any proportion to those in the plantations. I know the public debt was increased about seventy millions. The Doctor says, the people of the colonies are now near half our number. Their public debt then, so far as the proportion is to be settled by numbers, ought to have been at least thirty millions; when, in fact, it

* P. 38.

† P. 39.

was less than one. Let me add, that every government in the plantations was out of debt in a few years, and that very little of the seventy millions due from government here has been yet discharged.—It is farther said, “ that the land on which they settled was *ours* *.” The land was *theirs* as much as *ours* : it was part of the dominion, or state ; the right of granting it, by the constitution, was in the Crown. How this right was acquired I need not shew ; the planters settled under the Crown ; they have not been disturbed by any person or power pretending a better title ; they are precluded both in law and reason from any exception, until they shall be so disturbed. It is not true, that the property of the greatest part has been purchased of the natives : What little has been purchased, was without any valuable consideration ; a few hogshheads of spirituous liquors would procure a quit-claim to as much land as is contained in one of the smaller colonies.

The last of his opposer’s arguments which he is to answer is this, “ The defective state of the “ representation of this kingdom has been farther pleaded to prove our right to tax America. We submit to a Parliament that does

* P. 39.

“ not represent us ; and, therefore, they ought.
 “ How strange an argument is this ? It is say-
 “ ing we want liberty, and therefore they
 “ ought to want it.” This is a *strange* argu-
 ment : Dr. Price is the first I have met with
 who has made use of it in the manner he states
 it. We say, it is immaterial whether all the in-
 habitants of the kingdom have a share in elec-
 tion or not : The authority of Parliament is
 the same in both cases. We do not say, be-
 cause we want liberty therefore they ought :
 But when it is urged, as a reason to exempt
 the plantations from [the authority of Parlia-
 ment, that they are not represented, it is *argu-
 mentum ad hominem*, to say that they are repre-
 sented as much as the greatest part of the peo-
 ple of England ; and this is all the use I ever
 knew to have been made of it. It is easy to
 conquer, when we can chuse our enemy’s weap-
 ons as well as our own.

The Doctor, before he finishes this section,
 begs a particular attention to two inquiries.
 After stating the question between *us* and the
 colonies, not as it now stands, but as if they
 aimed only at a partial independency, he in-
 quires first, “ Whether, if *we* have now this su-
 “ premacy, *we* shall not be equally intitled to
 “ it

“ it in any future time ? They are now but little short of half our number ; the probability is that in fifty or sixty years they will be double our number : will they be still bound ? ” The answer to this is very short : Parliament hath now a constitutional authority over the plantations : This authority hath been, and still may be, exercised to the general benefit of the dominions : Empires may increase, like that of the Romans, until they become too unwieldy to be governed under one authority : It will then be time enough to inquire whether the power and authority existing ought to be continued. The question now is a matter of mere speculation.

The next inquiry is, — “ If *we* have indeed that power which *we* claim over the legislations and internal rights of the colonies, may *we* not, whenever *we* please, subject them to the arbitrary power of the Crown ? ” Not if it be unjust. I will set no other limits to the authority of Parliament than that it hath no right to do wrong. I will tell him what it has done. When the act of Parliament passed for the settlement of Wales in the reign of Henry VIII. power was given to the Crown to alter any thing in the act within three years ; and this
power

power was, I think, continued, by subsequent acts, down to the latter end of James I. It was more general, and of a higher nature, than that in the Quebec act, which the Doctor says makes the King a *despot* over all that country. I know no other reason for asking this question, than that he might have an opportunity of making this and the subsequent remarks, for the question is frivolous, and entirely foreign from his subject; and he might as well have asked whether Parliament may not, whenever it pleases, subject *Wales* to the arbitrary power of the Crown. He says, it is impossible that the represented part should subject the unrepresented part in Britain to arbitrary power without including themselves. I cannot imagine why. We see *Wales* was subjected, even after it was represented, and the other parts not included. Surely he will allow that it might as well have been done before.

The inquiry in the next section is, Whether this war is justified by the principles of the constitution. The Doctor says, " it is by no means true; nor, were it true, would it be right that we should establish our own constitution

tution there." They have chartered governments of their own, with which they are pleased, and which, if any power on earth may change without their consent, that power may likewise, if it think proper, deliver them over to the Grand Seigneur. Suppose the colonies of France and Spain had, by compacts, enjoyed for near a century and a half *free* governments, *open to all the world*, and under which they had grown and flourished, what should we think of those kingdoms were they to attempt to destroy their governments, and to force upon them their own mode of government? Should we not applaud any zeal they discovered in repelling such an injury? But the truth is, we are not maintaining, but violating our own constitution in America. The essence of our constitution consists in its independency."

What has all this to do with the principles of the constitution of England? Can the Crown of England, upon the principles of the constitution, grant a charter to any part of its subjects which *frees* them from the authority of Parliament? Are these charters of the nature of compacts between two independent powers or states? Will length of time
give

give force to what, in the beginning, was entirely void of it ? Were the British plantations ever *free*, or, as the Doctor must mean, if he means any thing, *independent* ? Were they ever, *lawfully* I mean, open to all the world ? Or is the English constitution essentially independent, more than those of France, Venice, or any other constitutions upon earth ? Surely this must have been wrote in haste. The following part of the section shall make up for it. “ The *fundamental* principle of our government is *the right of a people to give and grant their own money*.” Why he has thus expressed himself I cannot tell. He cannot mean that it is a principle of the English constitution, that no one government or state can give away the money of another government or state. This is the fundamental principle of all governments. We must understand him then, that it is the fundamental principle of the English constitution, that “ the money of the subjects cannot be taken from them without their consent, expressed by them in person, or signified by their representatives elected for that purpose.” I have said enough upon this subject, so far as it has been urged to be a principle of civil liberty, or government

in general. We are now upon the English constitution. As far as we have any knowledge of it, the constitutional method of raising money from the people has always been by acts of the supreme legislative authority under what form soever it may have been, at the time when the acts were passed. In the reign of King John, the great Council of the kingdom for assessing aids, &c. consisted of Archbishops, Bishops, Abbots, Earls, and greater Barons, together with all who held lands under the Crown *in capite*: The people had no share in their appointment, but were notwithstanding bound by their laws of what kind soever. As we come forwards the land-holders are multiplied, so as to render it inconvenient for so numerous a body to assemble together; we then find them authorised, in each county, to send commissioners to act in conjunction with the *Magnates* of the realm for and in behalf of the whole: Afterwards, boroughs and cities are formed, and, by letters patent from the King, authorized to chuse commissioners also, who have an equal voice with those elected by freeholders: Still, a great proportion of the people are without any share of election. We cannot

ascertain when, or how, it became the privilege of the commissioners, chosen by the people, to originate grants of aids; probably soon after they sat in a different House from the Lords, and probably also, because they had the means of best knowing the condition and circumstances of the people in all parts of the realm; what they are able to pay, and in what proportion. We know that the Commons *now* have the sole right of originating grants of money: We know there are instances of grants *in early times* originated by the Lords: We have reason to think the denial of a right in the Lords to make any alterations in money bills is of later date: We know it has been contested. So far as the alteration may increase the sum, or affect the proportion, it comes within the reason of originating the grants; so far as it may lessen the sum, it seems to be more arbitrary. From this brief account, which I believe to be true, this right of originating grants by the representative of the people does not appear to be a *fundamental* principle in the English constitution, but rather to be now settled and established by Parliament as a rule of proceeding in all cases of taxation whatsoever, whether the subjects taxed had any share in the election

of representatives or not ; nor can this right be said to be inherent in this branch of the legislature, merely by force of its being elected by the people ; for by just the same reason it must have a right not only to originate, but to be the sole judge of every act of legislation which affects life, liberty, or any valuable interest whatsoever, as all acts of government must be supposed to do in some way or other ; and many must be of much greater consequence to the interest of the people, than those which respect their estates.

If any principles may be said to be fundamental in the English constitution, this seems to be one, that the lands in all parts of the dominion, by some tenure or other, are held of the Crown : In conformity to this principle, grants of all the territory in the plantations have been made by the Crown. It is another principle, equally fundamental, that wherever the authority of the Crown extends, the authority of Parliament extends also : It is an undeniable fact, that the grantees received their grants, as of lands within the dominion of the Crown, and under socage tenure, in which is included allegiance or fidelity to the Crown : An opposition, by force of arms, to the execution

tion of acts of Parliament, by construction of law is a breach of this allegiance and high treason. The Doctor may have recourse to the refuge which he has in reserve, and urge that the plantations are not part of the British dominions. If that is the case, to what purpose has he been enquiring into the principles of the English constitution?

The next inquiry is into "the policy of the war." I expected the author's question would have been, Whether, in good policy, government should have given up all claim to its authority over America, rather than maintain it by force? But after having followed him, "wandering from his point*," through seven or eight pages, I find that what he principally intends to insist upon is "the folly, in respect of policy, of the measures which have brought on this contest, and its pernicious and fatal tendency †." It was no part of my design to engage in the defence of the present administration, or to bring charges against any former; but it will be impossible for me to remove those prejudices which the Doctor is labouring to instil into the minds of the Americans

* P. 58.

† Ibid.

against

against government, and which must effectually prevent a reconciliation, unless I shew wherein he has misrepresented the past as well as the present administrations. A general charge of pride, love of dominion, those infernal principles of blind resentment, and love of revenge, merely because they are *inherent in human nature*, may as well be brought against all the governors upon earth. But there is further evidence that these must have been the motives; "We have transported ourselves to their peaceful retreats, and employed our fleets and armies to stop up their ports, to destroy their commerce, to seize their effects, and to burn their towns. They have risen in their own defence, and repelled force by force.—They deny the plenitude of our power over them, and insist upon being treated as free communities.—It is that has provoked us, and kindled our governors into rage *."

Will not a foreigner, unacquainted with the American controversy, suppose that government, from mere wantonness, had invaded the liberties and properties of its American subjects, and compelled them to rise in their own

* P. 55.

defence,

defence, to save themselves from destruction? Inflammatory remarks follow these misrepresentations; and then, having observed that our whole conduct has been nothing but a series of the blindest rigour followed by retraction, of violence followed by concession, of mistake, weakness, and inconsistency, the Doctor professes to prove it by relating the proceedings of government—in altering the act of the 6th of George the Second, which imposed duties on foreign spirits, &c. and laying other duties for the purpose of a revenue—in passing the stamp-act, which threw the continent from one end to the other into resistance and rage—in repealing the same act without requiring any recognition of the authority of Parliament, or doing any more to preserve its dignity than asserting its power by a declaratory law—in passing another act to impose duties on tea, paper, glass, &c. which revived all the former heats—in repealing all the duties in that act, except on tea, which was left to maintain a *shew of dignity*—in enabling the East India Company to export tea to America, subject only to a duty of three pence per pound, in order to bring the colonies *into a snare*, which they spurned at, and refused to admit the tea; and at Boston

some

some persons in disguise buried it in the sea * — in stopping up the port of Boston until compensation should be made — in destroying the chartered government of the province — in withdrawing from its jurisdiction persons who in particular cases should commit murder — in passing the Quebec bill.

The Doctor then proceeds to paint in lively colours the effects of all this vengeance in Massachusetts bay — the dissolution of government there — the fright the ministry was in here — the ungracious conciliatory proposal, that if the Americans would tax themselves as Parliament ordered, Parliament would not tax them — the disdain with which this proposal was received — the urging the province of Massachusetts Bay into rebellion, by ordering the army to seize *their* stores, and to take up some of their leading men — the people's taking to arms, and repelling the attack — the destruction of a great part of the flower of the British army — the disgraceful and miserable imprisonment of some of our best generals and bravest troops in the town of Boston — the commencement of

* I see no difference, in a moral view, between a partial representation conveying a false idea, and an assertion directly contrary to truth.

a horrid

a horrid civil war, and the distraction and convulsion of the whole empire. All these things were done, notwithstanding the colonies had *allowed* us every power we could desire, except that of taxing them, and interfering in their internal legislations.—He then laments the effects of the loss of our American trade, and shudders at the prospect of a kingdom on the brink of ruin.

The best way of answering this narrative and these remarks will be by another narrative and other remarks. I have had the advantage of examining many original papers, as well as records, relative to the several governments; and I have seen the depositions, taken here, of several persons who were present in Boston at the time when the tea was destroyed, and who arrived here soon after.

I cannot give a full idea of the rise of this unfortunate contest without going back to the beginning of the last war with France.

The peace in 1762 had left the bounds between the English and French dominions in America undetermined. The posts which the French had taken after the peace, on the back of the English settlements from

the Ohio to Nova Scotia, alarmed our inhabitants; and the governors represented to the ministry that, if neglected, a French force would, in time, be able to drive every English colonist into the sea. Altercations began between the two courts, and directions were given to some of the governors to raise men, and to take posts likewise on the English frontiers, and, if necessary, by force to attempt the removal of the French encroachments. Orders were also sent to the several English governors, to recommend to their assemblies to appoint commissioners to meet at Albany, to consult upon proper measures for securing the Indians, and to settle a proportion of charge to be borne by the several governments in case of a new war. I have it from sufficient authority, that whatever may have been the notions or expectations of some of the American colonists in the days of the commonwealth, and for some years after, yet, from the Revolution down to the year 1754, no idea of independence existed in America; the people had no visionary notions of *liberty*; with the name of *subordinate* governments, they felt less restraint from their laws, less of the burden of government, than

any people of any government in Europe. If this had not been enough to keep off a desire of independence, they were afraid of their French neighbours, and their whole confidence was in that protection which they claimed in common with their fellow-subjects in England.

In pursuance of the recommendation from the Crown, commissioners met; they agreed upon an address to the King, representing the imminent danger the plantations were in, and humbly praying for protection. They agreed also upon a plan of union of the several governments, by a representative of the whole, consisting of members from each government, with powers to settle proportions, raise monies, &c. and it was an article of this plan of union, previous to all the rest, that application should be made to Parliament to authorize this plan. It never took effect. The governments in the plantations did not approve of the general design, nor chuse to trust an assembly of delegates; and government here was equally averse to it. This transaction, by a congress regularly representing so many of the governments, demonstrates that the constitu-

tional authority of Parliament over them was freely acknowledged at that time.

In the course of the war, requisitions were sent to several of the governments to raise such forces as would consist with their abilities, and they were at the same time assured, that it would be recommended to Parliament to reimburse or compensate them in part, and in proportion to the exertions and abilities of each government. The promise was punctually performed, and the benefit which each government received from a large importation of specie annually, though not one half of their expence, was so great, that many of the requisitions from time to time were cheerfully complied with. As the peace approached and the terms of the treaty were expected soon to be settled, the anxiety was great, lest Guadalupe or Martinico should be ceded to the English and Canada restored to the French ; and great was the joy when the treaty was made public, and the cession of Canada with it. Without this cession of Canada, there would have been no scheme of independence in America to this day. Many of my readers will recollect how much we were divided in England when the peace approached,

approached, and that this consequence of preferring Capada to one, or both, of the sugar islands was then foretold.

Notwithstanding the peace with France, war continued, or was renewed with some of the Indian nations in America, and forces were kept up for carrying on the Indian war, and for securing the new ceded countries. This put government here upon a plan for raising monies in America; not to ease the kingdom of any part of the debt of seventy millions incurred by the war, but to defray part of the charge which continued after the peace, for the defence of America; and, as Doctor Price observes, the first thought was to reduce the duty on molasses, &c. which by the act of the sixth of George the Second, was laid so high as to amount to a prohibition, and to lay such sums as might be paid without causing a strong temptation to smuggle. It was natural to think of this duty, because, a few years before, one or more of the agents had been concerting with the ministry the reduction of the same duty, upon a presumption that it would be agreeable to the inhabitants of the colonies; and this agent recommended

mended to his constituents, to make application for such reduction, and upon consideration of his proposal, a very large committee of the council and house of assembly were in favour of it; but by an accident it was stopped from going any farther at that time.

The duty on stamps, though it had many years before been in contemplation, was suggested afresh to Mr. Grenville, by an American member of the House of Commons, and, I have been informed, was communicated to, and not opposed by several American agents; but they wished for time, which was readily granted them, to inform the American assemblies of the design, and the agents were further authorised to say to the assemblies, that they were at liberty to suggest any other way of raising monies for the purpose proposed. I think this was treating the plantation legislatures more properly and favourably, than if requisition had been made by the secretary of state, as was done during the war; and yet Mr. Grenville has been abused for not making a requisition. What was the consequence of this suspension and proposal? The affair was taken into consideration by most,
if

if not all the legislatures. All, except one or two, expressly denied the right of Parliament; or, which is the same thing, confined the right to themselves. They all declined making any other proposal.

From hence began all our miseries. If the several legislatures had been silent on the point of right, had pleaded long exemption from parliamentary taxation, founded on commercial advantages to the state, the opposition afterwards made to the stamp-act would just as well have procured the repeal of it, and the dispute about the right might have been kept off to this day.

The stamp-act passed with little opposition. If we are to judge by the event, it may be said to have been impolitic. In the time of it, I feared the convulsions which it has caused. I knew how much government here had been weakened a little before that time; that mobs, riotous and tumultuous assemblies, were suppressed with difficulty; and that less riotous, but more criminal assemblies, triumphed over the law. I knew the same spirit had begun to shew itself in America. The agents of the plantation governments, however, made no great stir.

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If they had imagined the act would have met with such violent opposition, they would not have solicited, as they did, that their particular friends should be appointed to carry it into execution.

A new administration thought the repeal of the act necessary. Whether it could have been carried into execution, and the people brought to acquiesce, cannot now be determined. Considering that all America was in a flame, and that all the servants of the Crown in the plantations were destitute of any kind of protection, I then thought the repeal expedient and necessary. The declaratory law rather did hurt than good : It was treated with contempt. I do not think with Doctor Price that, if no farther attempts had been made, the people would have recovered their former habits of subjection. Could the stamp-act have been repealed, merely upon the principle of expediency, as was the case with the cyder-act at the same time, all the bad consequences of the repeal might have been avoided. It was the declaration of a great commoner, *that Parliament had no right to tax America, and that he was glad America had resisted,*

refused, which gave the *death-wound* to parliamentary authority there. The leaders in America seized it with eagerness. They praised and idolized him. They knew, indeed, that he had declared in favour of the authority of the Parliament in all cases of external taxation, and for enforcing all laws for that purpose; and, if obedience was refused, that he would not suffer a horse-nail to be made in the plantations. They appeared, however, to take no offence at it, but kept on the reserve, until they had a convenient opportunity to unmask; for they knew if there was reason to deny the authority in internal, there was just the same in external. It presently appeared in several of the governments, that the repeal of the stamp-act did not satisfy them. The leaders in New York and Massachusset's-bay influenced the assemblies to take exception to parliamentary authority in other cases besides internal taxation. A plan was laid in some of the assemblies for a general congress at New York. This was altogether unconstitutional; no commissions from the Crown, and no charters giving any authority to this purpose. Not long after the repeal, another change in ad-

ministration took place. The new ministry saw, as Mr. Grenville's had done, the reasonableness of requiring America to bear a proportion, at least, of the charge necessary for its defence. Whatever colour Doctor Price may have, according to his own system, for the charge of despotism, I see none for that of avarice. An act passed for external, or port, duties upon glass, paper, tea, &c. which seemed to consist with the principles of the great commoner, not disavowed by the Americans. This act, the Doctor says, "as was *expected*, revived all the former heats." I do not believe that government had reason to *expect* a revival of the former heats; but it is certain they were revived. Combinations were formed in most of the governments, against importing the obnoxious articles, and greater tyranny was practised to compel all to join in the combinations, than the people in Turkey would have borne. These disorders effected a repeal of all the articles, except tea. The ostensible reason was, that a duty on those articles was anticommercial; but America knew the real reason. The duty upon tea was left, to shew that Parliament

ment did not give up the right. After a year or two's struggle, it was paid in most of the governments. In New York and Pensilvania, tea was smuggled, with little or no risk, from Holland, and none was imported from England into those governments, therefore the people there gave themselves no more concern about the tea-act than about the declaratory act: they felt no effect of either of them. Besides the acts for taxation, the leaders in America were making use of other means of stirring up the people, and inflaming their tempers, in order to accomplish their designs of independence. The disorders occasioned in America by the acts of trade, and the connivances at the breach of them, had given rise to an act of Parliament, to enable his Majesty to appoint commissioners of the customs to reside in America. I know complaints had been made of the great hardships the merchants in America were under, in being obliged to apply to the commissioners of the customs in England, on occasion of disputes with the custom-house officers, which the surveyors general had no authority to decide. I do not believe this American board had greater powers given to

it, than the commissioners in England had before its institution. No other effect was felt, than that which it had upon the illicit trade, which the vigilance of the commissioners in some measure discouraged. It was, therefore, given out, that the board was appointed merely to enforce the new duties; means were used to inflame the people, and the appointment was pronounced unconstitutional and oppressive.

The powers of courts of admiralty to take cognizance of seizures, though made part of the constitution of every government for near a century past, were now also pronounced to be incompatible with the rights of an Englishman. To keep up troops in any government to assist the civil magistrate in the execution of law, was keeping up a standing army, contrary to the bill of rights, unless the legislature *of such government* gave its consent to it.

The payment of salaries by the Crown to its servants, who derived their authority from the Crown, was declared to be another instance of invasion made upon the rights of the people.

It became every day more difficult to carry the laws of trade into execution, until at length
the

the authority of the custom-house officers was in some governments openly defied; and in others those officers winked at every breach of law, from fear of their lives, in case they had made a seizure: In short, in all matters, which had respect to the authority of Parliament, government, for four or five years together had been gradually losing its force; but this could not have been, if the leaders in the plantations had not been constantly encouraged by the opposition to government, and other partisans, here. A constant correspondence was kept up for that purpose.

This was the state of America when the affairs of the East India company came before Parliament, and that company was enabled by an act to export tea to America. The American market for tea was in a great measure lost; the true reason of the loss was the illicit trade; as this had been encreasing, the exportation from England had been decreasing for many years before. Pennsylvania and New York imported all from Holland: An *illicit* trade was there an *open* trade. In the other governments an importation from England had been quietly submitted to, and the three-
penny

penny duty had been regularly paid for two or three years. I do not know that administration had any view to facilitate the payment of the duty, or, as the Doctor expresses himself, to bring the colonies *into a snare*. It was natural to suppose, that when the price was reduced, the duty would more generally be paid; and Pennsylvania and New York be induced to trade with England instead of Holland, when the temptation to smuggling should cease.

But whatever were the views of administration, it certainly was insinuated into the minds of the people of America, by letters from hence, wrote whilst the East India bill was in Parliament, that a plan was laid to bring the colonies *into a snare*—that a noble resistance on this occasion would free them from the slavery intended for them; if this opportunity was lost, there would never be another; and if they should suffer the ships to land the tea, and the duty to be paid, they would rivet their own chains. These letters were published in news-papers through the continent, some of which came hither. Committees of correspondence, by advice from hence, were established in Pennsylvania, New York, and Massachusetts

Bay;

Bay; an uniformity of measures was resolved upon; the ships and tea were, at all hazards, to be sent back from each government. Accordingly in Pennsylvania and New York the Ships were not suffered to come up to the usual landing places, and, although they had large quantities of other goods, they all came back to us; and the owners of those goods, as well as the owners of the tea, were obliged to submit to the damage.

The ships, which were sent to Boston, had also large quantities of other goods besides tea. The owners of those goods were not willing to submit to the damage they must sustain if they should be sent back to England. A town meeting was called, a committee appointed: The owner of one of the ships did not intend to suffer his ship to come into the harbour, until he had an opportunity of judging, from the temper of the people, whether the tea could be landed; but this committee, lest the ship should carry away the other goods with the tea, sent for the owner, required him at his peril to bring his ship to the usual landing place, and to enter at the custom-house, and deliver all the goods, except the tea. After the other
goods

goods were delivered, the committee then required the owner to send back his ship with the tea: He applied to the collector for a clearance: The collector refused to grant it for the tea, supposing he could not do it consistently with the duty of his office, and the oath he was under: No ships can pass the castle at Boston without a permit from the governor. All plantation governors are under oath to do their endeavour that the acts of trade be carried into execution; and the act which establishes a custom-house is particularly named in the oath. When the committee of the town of Boston found this difficulty in obtaining a clearance for the ship, the inhabitants of Boston were convened, by an irregular notification; the inhabitants of several other towns assembled with them, making many thousands when all in one body: This body required the owner to go and demand a permit from the governor, who refused to grant it until he had a certificate, that the ship and goods on board were cleared at the custom-house. No body imagined the governor could give any other answer; and before the owner returned, a small part of the people had separated from the rest

rest in order to disguise themselves ; and, being so disguised, entered all the ships, hoisted out the tea, and cast it into the sea ; the body of the people who had been assembled following them, and surrounding the ships upon, and near, the quays where they lay *.

We cannot forget the universal cry of all parties, when the news of this act of injustice and violence was first received here ; in some way or other all agreed it ought to be punished. It appeared, that the body of the people of the town of Boston had countenanced and encouraged every step which tended to the destruction of the tea until it was completed. Parliament, therefore, thought fit to pass an act to restrain the town from all commerce by sea, until satisfaction should be made to the East India company, &c. It was natural to suppose the town would raise eight or ten thousand pounds, rather than submit to such distress as the loss of its commerce must bring upon it. A meeting of the inhabitants was called ; some of the principal men,

* To make government appear *despotic, malicious, revengeful, and avaricious*, in shutting up the port of Boston, until satisfaction should be made for the tea, Dr. Price has represented the destruction of it as the act of a few disguised persons only. See Observations, p. 64.

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for

for rank, estates, and understanding, pressed a compromise with the act of Parliament, but the majority was against it, and the port remains shut up to this day.

The council, the second branch of the legislature in Massachusetts Bay, was annually elected by the house of representatives; the governor, by the charter, had but little authority to act by himself, or without the council. It appeared that the council had declined to advise or assist the governor in any measures for securing the tea from the rage of the people, and, in divers other instances had shewn, that they were under undue influence from their electors. Alterations in the province charter were therefore judged necessary: Some of the province laws respecting the appointment of juries were also thought proper to be altered; and an act of Parliament passed for those purposes: And, as the civil or military officers in that province might, in the discharge of their trust, be the instruments or cause of the death of persons who were in breach of the laws, and an impartial trial could not be expected where the people in general were so much disposed to an opposition to law, it was judged necessary that provision should be made for removing such trials

trials to other parts of the dominions, where a fair trial by an unbiassed jury might be had.

Several regiments were ordered to Boston about this time, and the general of the King's forces in America was appointed governor of Massachusset's Bay. Opposition to the late acts of Parliament was determined on. The first assembly which he held invited the other governments to a general congress at Philadelphia, and appointed their own delegates. This caused a dissolution, and the people met in a new assembly, by their own authority, took the power of the militia into their hands, ordered the public monies to be paid to their own treasurer, and did other acts of government: They collected provisions, ammunition, and all military stores; formed regiments under new officers, having displaced all appointed by the King's authority; ordered a great number of men in all parts of the country to be ready to appear in arms at a minute's warning, and distinguished them from the rest by the name of *minute-men*; caused the militia in all parts to be frequently exercised in the use of fire-arms; procured sergeants, or others who had deserted from the King's forces, to instruct them; agreed upon

articles of war for the government of an army, whenever it should be necessary for it to appear in arms for the defence of the province. By the charter, or *compact* upon this occasion, if Dr. Price will have it so, the sole power of the militia of the province, and of erecting and demolishing, at pleasure, fortifications of any kind, and in any place, is reserved to the King, to be used by the governors; and the assembly had never been suffered by the governors to take this power in any degree out of their hands: Acts of assembly had passed to strengthen his hands in the use of it. — The law most certainly would have considered Massachusetts Bay at that time in a state of revolt, as clearly as at any time since.

The governor and general, in this state of the affairs of the province, had first tried the civil authority with which he was vested, and, by proclamations and one or more attempts of civil officers to apprehend such persons as were in the breach of law, endeavoured to bring back the people to an obedience to the laws; but without any effect. He then thought it necessary to erect fortifications in the town of Boston, for the security of that town, as well as of the King's forces under his command.

By

By this time, the general congress had met at Philadelphia, and justified the proceedings of the people in Massachusset's-bay; and provincial congresses, had done the like in most of the other plantations; and the general assembly of the two governments of Connecticut and Rhode Island had also followed the example of the general congress.

At length, upon the 19th of April last, the general of the King's forces thought fit to send a detachment from Boston to Concord, a place about twenty miles distant, with orders to seize a quantity of provisions and warlike stores, which he was informed had been unlawfully lodged there. A part of this detachment met a company of militia in arms at Lexington, six or eight miles from Concord, very early in the morning, in appearance every way prepared for hostilities. An engagement ensued, the circumstances of which are well known. This was the beginning of actual hostilities.

From the foregoing narrative, which I believe to be in every part true, the reader will be assisted in judging to whom these hostilities are to be charged. I will inquire how far Doctor Price is right in charging them to the
avarice,

avarice, pride, revenge, and despotic spirit of government here.

My situation in life has been such, as to bring me under no attachment to any one administration more than to another. I have had occasion to observe, in the people of this and other governments, a disposition to favour accusations brought against their rulers; popular clamours, therefore, makes no impression on my mind.

There can be no pretence to charge Mr. Grenville's ministry with despotism, unless all acts are despotic, when the authority of Parliament had not been contested; nor with revenge upon the Americans, who had given him no offence; nor with avarice, when the sum proposed was short of the charge of their protection. — If the Doctor has laid any thing to the charge of Lord Rockingham's ministry, it is the futility of the declaratory act, without accompanying it with a recognition to acknowledge its authority; but this could not be exceptionable, when the act itself is pronounced *dreadful*, and the effect of it the *establishment of slavery*.

The same may be said of the Duke of Grafton's administration, as of Mr. Grenville's;
there

there was no power assumed, but what the Americans and their advocates allowed to be in Parliament, the taxes being external only, it could not therefore be despotism; and the reduction of the duty upon the tea, would ease them more than all the other duties would burden them, which carried no marks of revenge.

All which can be charged to Lord North's administration is, the retaining *a part* only of those duties, to the *whole* of which the Americans had acknowledged they ought to submit, and this merely to retain *the rights* which otherwise would have been said to be renounced.

On the other hand, I do not charge the war upon the people in the plantations *in general*. Twelve years ago they had no idea of independence. They had never heard that taxation and representation must always go together. A proposal to take up arms against the authority of Parliament, even in the case of a stamp-act, would have struck them with horror.

To what cause are we then to impute the war? To the *avarice, pride, revenge, and spirit*

rit of despotism, under the veil of *liberty*, of a few men in each of the plantations, directed in all their measures by their correspondents *here*, and encouraged by the example set them *here*, to defy and set at nought all law among themselves. Even these leaders, at first, did not seem to have perfect independence in view. They made gradual advances towards it, and finding they made them with impunity, they proceeded with more alacrity; and it is now more than seven years since some of them, in an unguarded hour, have declared they would never give over until they attained to it.

We have always had men *here* undertaking for the Americans, that lenitive measures would restore government and order; when, at the same time, they have encouraged the Americans to make a firm resistance, assuring them, sometimes that they had nothing to fear from a timid administration; at other times, when administration appeared to be determined upon vigorous measures, that at the worst they might depend on the people *here*, who, rather than suffer America to be oppressed, would rise and effect a revolution in government.

The

The Americans have been farther encouraged by the publications here in their favour, by speeches, protests, &c. regularly transmitted in print, and sometimes in manuscript, justifying all their proceedings, even since they have been in a state of revolt. Without encouragement from hence, the disorders of America would have been suppressed in the beginning, by the interior powers of government there.

The common people were drawn in gradually and slowly; they were alarmed with designs against their religion and liberty. They have been made to believe, that Lord Bute is a Roman Catholic, and that under his influence popery is to be first established in America, then in England; and that Lord North does not think unfavourably of that religion; that their houses and lands, as well as their trade, would be taxed; that they would have an arbitrary government established; and, to sum up all, would be made perfect slaves. It is doubtful whether, with all these arts, they could have been prevailed on to risque all that peace and quiet, so long enjoyed by them and their ancestors, if they had not been assured, that

L

govern-

government in England would infallibly give way, and that they would never be called to take up arms. Still they were very hardly brought to approve the measures of their leaders, and I doubt, with Doctor Price, whether to this day they wish for independence; and, I hope, when they are convinced how grossly they have been deceived, they will more willingly and speedily return to that happy state of government under which they had always lived.

How far the alterations in the charter of Massachusetts-bay, and the regulations in their laws were expedient at that time, I will not now enquire. If in any point the people were aggrieved, there is room for redress. It is enough, that Parliament was in the regular exercise of its authority. I think I do not go too far when I say, that no right or property can be acquired, whether derived from the Crown or from Parliament itself, which, whenever the public good requires, Parliament cannot take away. Charters are no more sacred than other property: Accordingly, we have seen the authority of Parliament exercised in the case of the East India charters, and in
that

that of the charter to the city of London, very similar to that of the Massachuset's. By authority of Parliament, and, as many still conceive, much to the public advantage, a negative voice was given to the Aldermen in all corporation acts : By another act of Parliament, they were deprived of this negative, and have now, each Alderman, only a single voice in conjunction with one of the common council. If I had time, I doubt not, many other like instances might be adduced.

The removal of trials is what we see every day done by the courts of common law : An act of Parliament was necessary in the trials after the last rebellion in Scotland.

What relation the Quebec act has to the case of the colonies in general, I never could see. The only colourable one, if it may be said to be colourable, is the vast territory comprehended in that government. This was neither designed to enlarge a government because in its constitution it was less popular than the others ; nor to encroach upon the bounds of any other government, for there is a saving of all rights which any other government may have ; but merely to prevent encroachments

upon ungranted territory ; the reasons for which are obvious. This was a controversy by itself, and the Doctor ought to have left it at rest.

I will make no other remark upon the exception to what is commonly called Lord North's conciliatory proposal, than that the want of such a proposal has been the constant charge against Mr. Grenville, until one of the colony agents very lately shewed, that it was made by him ; and, I have no doubt, that if the like proposal had not been made by Lord North, we should have found the want of it displayed in the Observations, &c.

I am not sufficiently acquainted with the several branches of the public debt, to determine whether the Doctor has stated it truly or not. To my purpose it is immaterial, whether he makes it ten millions more or less than it really is. It is evident, that he endeavours to set it in the most formidable light. We are bound, in charity, to presume, he does not wish to shake the public credit : His sole intention then must be to convince us, that if we lose the American trade, we shall never be able to support the public credit. But if we concede to
the

the claim of independence, how are we to retain the trade of the Americans? The Doctor will say that they will consent to trade with us: He can give us no security for it: It will be all one whether they separate by violence or part by consent; they will trade with any other power in Europe rather than with us, if the trade be more profitable: It must therefore be *policy* to prevent a separation as long as we are able. But the most consoling consideration is this: The contest with the Americans has opened our eyes in the kingdom, and convinced us that the profits of our trade with them have been exaggerated; that if the whole trade was gone, public credit may be supported.

The Doctor, in his next section, professes to enquire into the war as it respects the honour of the kingdom, and sets out with observing that it is one plea for continuing the contest, "our honour is engaged, and we cannot now recede without the most humiliating concessions;" but this is stating the plea unfairly: We say that government has good right to maintain its authority over all parts of the dominion; and being engaged in measures to restrain any
part

part from a revolt, it cannot in honour recede whilst there is a probability of success : If government has not good right, or if the attempt be desperate, no body pretends that it is bound in honour to proceed ; but the Doctor chuses to have an antagonist of his own making. The purport of this section is, nevertheless, to shew that we have no right, and therefore it cannot consist with our honour to go on, but we are bound to recede. We have the same ground to go over again in every section. Here he gives us a definition of government, " that it is, or ought to be, nothing but an institution for collecting and for carrying into execution the will of the people," and laments that the measures of government and the will of the people are sometimes in direct opposition to one another. He is willing however it should be " taken for granted, though probably far from true," that the majority of the kingdom favour the present measures, and yet he says this is no good argument against receding ; for " the disgrace to which a kingdom must submit by making concessions is nothing to that of being the aggressors in an unrighteous quarrel." I ask who is to recede? If he says the aggressor, or,
in

in other words, government. How does this consist with his definition of government? For if government is to carry into execution the will of the people, and the people favour the measures for war, government cannot recede from them. This, by the bye. He repeats again what he had so often done, which has been fully answered, that we are endeavouring to reduce to servitude our own *brethren*—are insisting upon such a supremacy over them, as to leave them nothing they can call their own, and are carrying desolation and death among them for disputing it; and then the case of the plantations is compared to that of the Corsicans, the United Provinces of Holland, the Syracusans when invaded by the Athenians and the allied states of Rome in the social war. Unless some parallel can be drawn between these cases and ours, what can be proposed by adducing them? Let any one read the history of Corsica, always subject to some power or other, frequently shifting its masters, first under the Greeks, then the Carthaginians, the Romans, the Goths, the Saracens, the French, the Holy See, the Pisans, the Genoese, always denying any other right than that of conquest, and always struggling

gling to free themselves; let him read the story of the cruel oppressions it was under from the Genoese, and let him compare it with the history of the plantations, ever one state with the kingdom, ever acknowledging one and the same supreme authority, never feeling any oppression, nor more than a small share of the common burdens of government; the Corsicans struggling for independence, that they might be free from evils they were then suffering; the Americans that they might avoid distant evils, of which they imagined they were in danger; then let him judge whether the cases are similar.

Is the case of the *United Provinces* in any respect like that of the plantations, except that the latter have now taken the name of the *United Provinces* also? Were the Netherlands colonies sent out by Spain, fostered and reared under its acknowledged authority? Had they not originally a distinct government, a constitution in many respects similar to that of England, under a head by the name of prince, count, or duke; and orders of states, each branch whereof was in possession of established powers and rights? Did not the government fall to a prince

prince of a new family, nation, and language? Did not this prince attempt to alter the constitution, and to deprive the other branches of their known and long exercised powers? Were not the subjects by a mere act of power deprived of that natural right which may be *truly* said to be unalienable; a liberty of private judgment in matters of religion; and by a court of inquisition compelled to disclose that private judgment, of which a cruel death was made the penalty? Did the United Provinces separate from the kingdom of Spain? No—Surely their case was much more similar to that of England at the Revolution. Oppressed by a *prince*, the *people* of both states rose against him, freed themselves from his authority, and placed another in his stead. One revolution, indeed, was suddenly and in a short time effected; the other, after a struggle of many years. One state retained its original constitution under a new head, with the same title as the former; the other, took a new head, to which was also given a new name.

But Holland, according to Dr. Price, is “one of the greatest and happiest republics that ever existed*.” How does this consist

* P. 91.

with his definition of civil liberty ? Is the supreme legislative authority elected by the people for a limited term, and under restrictions and limitations, and subject, from time to time, to instructions from the people ? Have the people any share in the election of this supreme authority ? Are the subjects of any state in Europe more restrained of their natural liberty ? Is any abuse of their Stadtholder, or of the States General, suffered to pass with impunity ? If a clergyman, who meddles with politics in the pulpit, has a staff and a pair of shoes provided for him at the door of the church ; what would be his fate if he should justify the revolt of Batavia from its subjection to the States General after it had been declared in rebellion ; and condemn all the measures for restoring it to obedience, as proceeding from pride, avarice, and the internal principles of blind resentment, and the desire of revenge ; and publish all this to the world ? I do not say that Holland is a less happy republic because of this restraint, but I think Dr. Price does not wish that it should be imitated by government here.

But where could he have found an instance more foreign than that of the Athenians and Syracusans ? He might as well have brought

brought in the wars between Rome and Carthage.

The social war then may be more to his purpose : “ The allied states had fought
“ the battles of Rome, and contributed to its
“ grandeur, claimed the rights of Roman citi-
“ zens, and a share in legislation. * ” Do the
British colonies ask a share in legislation ? Does
the Doctor know that the *proud and ungrateful* †
Britons would deny it, if they should ask ?

But it seems these instances are mentioned
for another purpose. “ We felt for the brave
“ Corsicans—All the world *admired* the resist-
“ ance of the Netherlands—Let any man, if he
“ can, avoid *rejoicing* in the defeat of the Athe-
“ nians,—and the *feelings* of every Briton must
“ force him to approve the conduct of the al-
“ lies, and to condemn the *proud and ungrateful*
“ Romans ; but the present contest being in-
“ consistent with our own *feelings* in *similar*
“ cases, it must therefore be a dishonour to us
“ to continue it. ‡ ” Can it be consistent with
Dr. Price’s character to bring cases which have
no resemblance to the case before us, and to al-
ledge them to be *similar* ; or, to set up our *feelings*
in the place of our *judgment* and *reason* ?

* P. 91.

† Id.

‡ Id.

Our *feelings* are excited by our *passions* ; often governed by *prejudices*. We envy a successful great man ; we pity a poor unfortunate man, without considering the justice of the cause in a controversy between them. Without considering whether Cæsar deserved it or not, I have my *feelings* when I read the story of his death. Dr. Price, probably, has his *feelings* when he reads the fate of Cassius !

But can any thing be more absurd, more ridiculous, than this doctrine, that “ if the colonies are *persuaded* they are fighting for liberty, though they are mistaken and guilty of *irregularities*, they ought to be pardoned.” Why ? The Doctor says, “ because our ancestors have given them so many examples of similar conduct.” This doctrine is not merely absurd and ridiculous ; it is highly dangerous, and tends to excite every republican in England to a revolt, and justifies him in it. Again, “ England should *venerate* the attachment to liberty amidst all its excesses ;” I say, England should *dread* that attachment to liberty which produces such excesses, and consider that, if not checked, they will soon rise to anarchy, and possibly end in despotism and tyranny.

I thank

I thank the Doctor for his observation
 “ that the people who cry out most vehement-
 “ ly for liberty to themselves, are the most
 “ unwilling to grant it to others *.” The pre-
 sent state of America affords us a most striking
 evidence of the truth of it.

What can be more trifling, more puerile,
 than his next reason to shew, that the war is not
 for the *honour* of the nation? “ One of the
 “ most violent enemies of the colonies has
 “ pronounced them all *Mr. Locke’s disciples*.—
 “ Glorious title!—How *shameful* is it to make
 “ war against them for that reason †?”

I do not believe “ it was the general cry last
 winter, that the people of New England were
 a body of cowards, who would at once be
 humbled into submission by a hostile look from
 any troops ‡;” but, I believe, it was the general
 opinion in both Houses of Parliament, and out
 of them, that a body of undisciplined men,
 though much superior in number, would not
 long face a body of disciplined troops, who
 had seen service; and I do not know that we
 have yet seen any reason to alter this opinion.
 Whether such a persuasion led to the war or
 not, is immaterial: The opinion itself was

* P. 93.

† Id.

‡ Id.

rational

rational and well founded, and can reflect no *disgrace*.

The Doctor may, with equal truth, say that the *laws* and *religion* of Canada were granted by Sir Jeffery Amherst, in one of the articles of the surrender, "on purpose to obtain the power of bringing upon the colonies an army of French papists *," as that they were established by Parliament for that purpose. It would have been as easy to employ the Canadians under English *laws* as French ; and, as for their *religion*, they have the same natural right to the enjoyment of it as the Doctor has to his. But what odds does it make, whether I am killed by a papist or protestant, by a Frenchman, Swiss, or Russian, by a white man, a tawny, or a black ? Or why has not government a right to employ auxiliary troops in carrying on war with its own subjects, as well as with a foreign state ?

What the probability of success may be, which is the subject of the next section, it will be to no purpose now to inquire ; *Jacta est alea*.—I will, therefore, remark *particularly* on one part only of the section, and *generally* on all the rest. The probability of success is

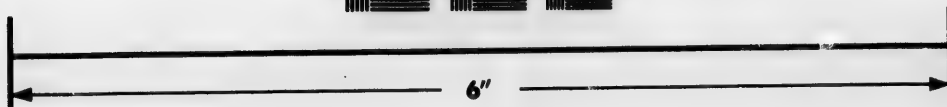
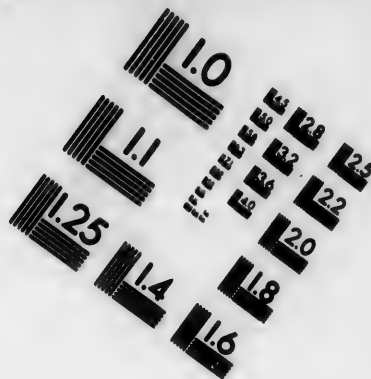
* P. 94.

judged

judged of " by the fastings and prayers of
 " America from one end to the other, whilst
 " we are ridiculing the Americans as fanatics
 " and scoffing at religion *."

God forbid that I should think lightly of religion, or that any thing I am about to say should induce others to think so. If I thought it would, I certainly should forbear. I am very well informed that, except in two, or perhaps three, of the New England governments, there is as little fanaticism in America as in any part of the christian world. In those governments days of fasting and prayer have been very frequent from their first settlement. No doubt, there are many people there, as there are in other places, who lay more stress on the religion of those days, and who depend more on the favour of Heaven for their observance of them, and of acts of external worship on other occasions, than for observing what the Gospel calls *the weighty matters of the law*. If this may be called fanaticism, it has not travelled to the southern governments. I doubt whether in any one of them, there have been ten days of fasting and prayer since the first settlement of it; in some, whether





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there has been one. What can we suppose then is the cause of this sudden religious turn ? The leaders in America have studied well the history of this government from 1641 to 1660 : They copy after the leaders here in that day : They know what was the effect of such days in those times. Prayers and sermons were calculated to persuade the people, that their cause was the cause of God, and that they might therefore depend on success. Some of the American sermons on like occasions, full of sedition, to say the least, have been reprinted here. Is not this to make religion a stalking horse, when the real design is to gratify the lust of party ? This must be *the fast to strife and debate*, and cannot be the *fast which God hath chosen*. To mock Heaven is the highest impiety. *Oh my soul, come not thou into their secret, to their assembly be not thou united.*

It is the general purport of the other parts of this section, to encourage the Americans to persevere in their measures for attaining to independence, by a very delusive representation of *their* ability, and of *our* inability ; and by examples taken from ancient and modern history. The like encouragement has been given

given them from hence, by men of the religious as well as civil order, from the beginning of the troubles to this day : Even at the time of our last advices from thence, they depended more on the success of their partizans here, to effect a revolution in government by means of our distress, than upon their own strength.

I thought I had done with this section ; but I cannot take my leave of it without observing another of those inconsistencies and absurdities to which the rage of party will sometimes carry men of superior parts and learning. A few pages before ; the danger and miseries of a public impending bankruptcy, from the loss of one branch of our trade, are represented and set in a most formidable light, and the Doctor “ shudders at the prospect *.” In this section the loss of the whole trade of the colonies and the shutting up their ports “ will do them unspeakable good ; it will preserve them from the evils of luxury, and the temptations of wealth, and keep them in that state of virtuous simplicity, which is the greatest happiness †.”

After all this long controversy with Dr. Price, one paragraph has perfectly reconciled

* P. 87.

† P. 96.

us: "I am hearing it continually urged—
 "Are they not *our subjects*? The people of
 "America are no more the subjects of the
 "people of Britain than the people of York-
 "shire are the subjects of the people of Middle-
 "sex: They are your *fellow-subjects*.*" These
 are the sentiments of my heart. I ever con-
 demned that inaccuracy, *our subjects*; I ever
 thought the Americans stood in just the same
 relation to the people of the kingdom in gene-
 ral, that the people of Yorkshire stand in to
 those of Middlesex; I ever thought they were
 our *fellow-subjects*. But alas! my hopes are
 very soon rendered vain, my fair prospects ob-
 scure. In the three or four next pages he re-
 turns to his old system. "We and they are
 under *two governments*"—"They have no en-
 couragement to trust *you* with the power of
 taxing *them*"—"They will not obey *your* Par-
 liament, *your laws*"—"Suppose the worst—
 that the colonists are now aiming at *indepen-
 dence, &c.*" What a strange jumble of in-
 consistencies have we here? They are our *fellow-
 subjects*, and yet we and they are *two govern-
 ments*. They will not obey *our* Parliament,

our laws, and yet they are not aiming at *independence*. Can Dr. Price furnish us from history with an instance of *fellow-subjects* who were not under one and the same supreme authority? I know of nothing that can give the least colour for such a suggestion, except it should be said, they and we are under one King. Were the English and Dutch *fellow-subjects* in the reign of King William the third? Or, are the English and Hanoverians *fellow-subjects* under his present Majesty? Were the English and Scotch *fellow-subjects* from the reign of James the First to the Union? James wished, he strove, to have them considered as such; but every attempt of his courtiers, all the learning of Antenati and Postnati signified nothing: We and they were no more *fellow-subjects* when we were under James, than when we had been under Elizabeth. What rights, what privileges did they enjoy as English subjects? We would not suffer them to send a skiff to the English plantations: They began a plantation themselves, and might have kept us from sending a skiff there. There cannot be a more palpable absurdity, than to say men are *fellow-subjects* under two distinct supreme legislative authorities.

I come now to the conclusion, and to the plan of conciliation recommended by a noble Lord, and adopted by Dr. Price. It is proposed by the plan to repeal the restraining act—the charter-act—the act for the more impartial administration of justice—and the Quebec act—to leave the custom-house and post-office and other acts to a temperate revisal—never to give up the principle of regulating the trade, but to prescribe the most explicit acknowledgment of Parliament's right of regulating it, in the most extensive sense, if the petition and other public acts of the colonies have not already left it upon a sufficiently secure foundation.—Something further might be expected, provided a due and tender regard be had to the means and abilities of the several provinces, as well as to those fundamental, unalienable rights of Englishmen—the right of judging not only of the mode of raising, but the quantum, and the appropriation of such aids as they shall grant—the debt of England to be acknowledged as the debt of every part of the empire, Asia as well as America included, provided that such free aids as the colonies shall grant, and also the sinking fund, be unalienably

ably appropriated to the discharge of the debt; and, finally, the laws of trade are all to be duly observed and enforced.

I will first consider the plan, and then the propriety of its being adopted by Dr. Price. As an European Briton, if the plan could be carried to effect, and it was just to load the Americans with the national debt, I should certainly be in favour it. All the acts proposed to be repealed, and all the alterations in the acts to be revised, are not to be weighed in the balance with a security for the enforcement of the laws of trade alone: But the ease to the nation, by laying perhaps a quarter part of the public debt upon Asia and America, casts such an amazing additional weight into the scale, that there is no room for hesitating a moment, if we can be informed how it is to be carried into execution. I am at a loss how the laws of trade are to be enforced; in what breast the tender regard to the means and abilities of the several provinces is to find its place: If in any besides that of the Americans themselves, how can it consist with their sole right of judging, not only of the *mode* of raising, but the *quantum*,
and

and the appropriation of such aid as they shall grant. If they are to enforce the laws of trade, and if they are to be the sole judges of the *mode*, *quantum*, *means*, and *abilities*, &c. of raising and appropriating aids, what security can we have for the performance of what is to be done on their part; and how does the principle of regulating trade exist in Parliament, if they, and not Parliament, are to enforce the laws of trade?

How Dr. Price will reconcile this plan to his system of civil liberty, and to the whole tenor of his book, I am still more at a loss. If "there are no causes by which one community may acquire a rightful authority over another, neither conquest, compact, nor obligations conferred;" how does the principle of the regulation of the trade exist in the British Parliament? How will any compact made by the Americans bind them? Would he enforce the laws of trade made by a Parliament which had no authority? When no civil societies can lawfully surrender their civil liberty, by giving up to any extraneous jurisdiction their power of legislating for themselves, and disposing of their property," would he accept of such unlawful surrender?

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The Dean of Gloucester may well be justified, upon his own principles, in giving up the colonies—because they are not worth keeping. Doctor Price, upon his principles, cannot justify the not giving them up—for Parliament, he saith, hath no right to hold them. This plan, nevertheless, implies a right to hold them, which I must leave him to explain.

A departure from the fundamental principles of government began the contest, and has hitherto frustrated every attempt for reconciliation. If the colonies are to be justified in refusing subjection in any one point, they may be justified in all. They are subjects, or they are independent. It will be asked, may they not have certain powers of internal legislation with which Parliament shall never interfere, though it may have, and exercise all other powers of legislation whatsoever; this seems to have been the case with Ireland, which has been in possession of taxation, at least all internal, for ages past? I answer, neither the colonies nor Ireland can have an exclusive right, because it is incompatible with the other powers reserved to Parliament. But if Parliament is not to use its right over Ireland, what signifies

a right

a right when it is never used ? I have often heard this question asked, but it is not a fair question. Although the right has not been used, it by no means follows, that the time will not come when it may be used. Ireland, by its legislature, has made large and lasting provision towards the general charges of government : It is to be presumed, that Parliament has deemed it adequate ; the right, therefore, has not been used. Parliament had forbore the use of its right of taxation in the continental colonies also, for the purpose of a revenue, from their first settlement : Commercial advantages from the colonies, and the poverty and burdens of new settlers might be deemed a good reason : The great charges of government, in defence of the colonies, caused Parliament to determine, that part of this charge ought to be borne by the colonies : Upon its being recommended to the legislatures to consider of it, and to propose a way to provide for this charge, they declined it, and denied the right : Parliament thought fit to use the right, and to take measures to compel to a submission to it. Should the like case happen with respect to Ireland, I believe it never will,

will, Parliament may, and will proceed in the same way as it has done in the colonies.

What way then can ever be found for reconciling the colonies, and restoring them to peace and order? I know but one. Happy will it be for them and us, if we can agree to take it, and prevent that devastation, destruction, and ruin, which the vast armament now preparing threatens. They must return to that state of obedience to the constitutional powers of government, in which they had been happy for an hundred years together. They have been alarmed with false suggestions of danger, of many great and insupportable burdens, oppressions, and tyrannies never intended; and have been persuaded to believe, they could avoid them in no other way than by a revolt. They must reflect upon the felicities so long enjoyed under government, upon the distress and miseries brought upon themselves by a revolt from it; they must be convinced that those persons, who used all the means in their power to dissuade them from this revolt, were their best friends, and that they who have persuaded, and compelled them to it, were their worst enemies. The repeated declarations made by their just, their

benevolent Sovereign, of his disposition to every act of lenity and kindness; the resolve of the House of Commons, *that upon acts of their own legislatures for raising a reasonable sum towards the charges with which government must necessarily be burdened for their protection and defence, acts of Parliament for taxing them ought to be repealed, and that it will not be advisable to tax them for the future*; are as great securities as they can have. Succeeding Houses of Commons, who alone can originate acts of taxation, will be in honour bound to adhere to this resolve as much as a succeeding Parliament can be bound to adhere to any act of Parliament passed with all its formalities. I say, in honour bound, because the *power*, or *authority*, can in neither case be restrained or limited. This being all the security which, from the nature of government, can be given, must content them. More than this no minister can propose, no Parliament can approve.—Could there be greater; I should make no objection.

Government here will restore them to the full possession of their trade and their fishery, and protect them in it, will give farther encouragement.

couragement to their trade, in instances where it may be done without prejudice to the national interest, which I think may be easily suggested; will consider them, as Montesquieu says, to be colonies planted and reared for commercial advantages, and will give full credit for those advantages; instead of requiring them, according to Doctor Price's plan, to tax themselves, for their proportion to the vast national debt, of one hundred and thirty or forty millions, a proposal tending to deter them from any farther connection, will look forward only, and make full allowance for every sum arising from such external duties, as may be necessary to be laid in acts for regulating their commerce; and, if it may consist with justice to the other parts of the dominions, will ease them of all internal taxes whatsoever; will allow to their internal legislatures every power of legislation compatible with the general supremacy of Parliament; and will consider them as subjects intitled to every liberty, every privilege enjoyed by their fellow-subjects, which their local situation will admit.

This is the only plan for lasting peace and harmony. Many who are friends to the king-

dom and colonies, have complained, that no more notice has been taken of the declarations, and offers made by the Philadelphia congress, which have been thought to contain sufficient grounds for treaty, and for settling a compact between Parliament and the colonies. It was impossible. Every step towards such a treaty would have set peace at a greater distance, and no compact can be entered into, but what will destroy the peace proposed to be established by it. Whatever fancies we may have of an original compact, at the first formation of a state, a compact between the supreme authority and the several parts of a state, will involve contradiction and absurdity. Such security then, as the nature of government will admit for the enjoyment of special rights, liberties, or exemptions by any parts of a state, ought to give content. This security may be obtained by grants, charters, prescriptions, or long indulged usage; and such title may be acquired, that no power, except the supreme authority, and that only when the public good requires, of which it must be the judge, can alter. With this power our
American

American brethren may as safely trust their liberties, as we in the kingdom do ours; for, notwithstanding the abusive insinuations in the pamphlet I have attempted to answer *, no government in the world is under a legislative power which, in all its acts, has maintained a more just and impartial regard to the interests of the several parts of the dominions, whether represented or not, than the legislative power of Great Britain.

In fine, if the Doctor's book is plausible, yet it is delusive.

His system must remain upon paper, and in idea only; it can never be carried into act.

His vindication of the colonies, his charges against government, have no other support than the truth and practicability of his system; and, therefore, are altogether groundless.

His book may create, or increase discord, but it has no tendency to promote concord, peace, and love. A single action which has this tendency, will afford a more pleasing reflection to a benevolent mind, than all the metaphysical distinctions, all the most extensive

calculations to which the powers of the human mind can be stretched.

I intended, in a summary way, to have deduced the authority of Parliament over the plantations, from a series of facts, relative to them from their first discovery to this day, and to have endeavoured to cast some new light on grants, charters, and proceedings in Parliament, but I find it will take more time than I expected; my pamphlet also is already swollen to a sufficient size.

E N D

P R E F A T E

P. 19, l. 15, for the liberty read liberty.

P. 20, l. 2, del or first.

P. 23, l. 13, for the state read the authority of the state.

P. 24, l. 23, for plantation read plantations.

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